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Attorneys for Teck Cominco Alaska Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS, )  
ANDREW KOENIG, JERRY NORTON, )  
DAVID SWAN, JOSEPH SWAN, )  
Plaintiffs, )

vs. )

TECK COMINCO ALASKA )  
INCORPORATED, )  
Defendant, )

NANA REGIONAL CORPORATION, and )  
NORTHWEST ARCTIC BOROUGH, )  
Intervenor-Defendants. )

Case No.: A04-00049 CV (JWS)

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss

**AFFIDAVIT OF SEAN HALLORAN**

I, Sean Halloran, being first duly sworn, depose and aver as follows:

1. I have personal knowledge of and am competent to testify to all facts set forth in this affidavit.

AFFIDAVIT OF SEAN HALLORAN  
*Adams et. al. v. Teck Cominco Alaska*, A04-00049 CV (JWS)

Page 1 of 3

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2. I am an attorney at Hartig Rhodes Hoge & Lekisch, which serves as counsel to Teck Cominco Alaska Incorporated in the above captioned matter.

3. Since the time that Teck Cominco received the 60 day letter that underpins the plaintiffs' request to supplement their complaint, I have worked closely with various employees of Teck Cominco to try to figure out exactly what claims are being asserted and why. This process is difficult because, in many instances, we do not see how the defendants' DMR's can be construed to support any claims that might be intended. For example, many of the 772 alleged violations are on days when no discharge occurred, and there is no data of which we are aware to suggest a violation.

4. Many of the supplemental claims involve factual issues that are not attendant to any of the already existing claims. As such, if they are allowed, it will be necessary to develop and present additional factual and expert evidence. For example, the plaintiffs are seeking to add claims asserting that Teck Cominco violated a 3900 mg/l "end of pipe" parameter for TDS that was first incorporated into Teck Cominco's permit in July, 2003. Defending these claims at trial will require additional expert and factual testimony about what the 3900 parameter is, how it is properly applied to Teck Cominco's discharge, and how to read the data attendant to this parameter.

5. Without additional discovery, it is difficult for us to figure out exactly what is being complained of with respect to the claims that the plaintiffs seek to add relative to TDS monthly averages in June of each year. Based upon the 60 day letter, however, we assume that the plaintiffs are contending that they are entitled to enforce some, as yet unspecified, lower monthly average during that month as a consequence of the fact that the grayling spawning season sometimes extends into the first days of June. Defending against these claims will require

additional expert and factual testimony regarding what the monthly average limitation is during June, and whether Teck Cominco met that standard in June of each of the past several years.

6. Numerous other claims that the plaintiffs seek to add involve unique and sometimes complicated factual situations that will require additional testimony at trial.

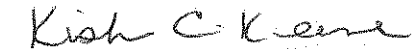
7. Adding testimony such as would be necessary to defend against the supplemental claims will likely require more trial time than is currently available for the defense of this case.

8. If the supplemental claims are allowed in the above captioned litigation, Teck Cominco will likely move to vacate the trial date, re-open discovery as to the new claims, and increase the time allotted for trial.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
SEAN HALLORAN

SUBSCRIBED AND SWORN TO before me this 19 day of September, 2007, at Anchorage, Alaska.

  
Notary Public in and for Alaska  
My Commission Expires: 4/7/2010

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CERTIFICATE OF SERVICE

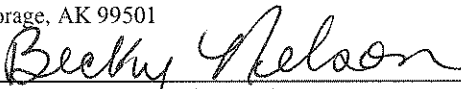
I hereby certify that on the \_\_\_\_ day of September, 2007,  
a true and correct copy of the foregoing was served,  
via electronic service, on the below identified parties of  
record:

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